

### **REMARKS**

This application has been reviewed in light of the Office Action dated June 10, 2005. Claims 1-33 are pending in the application. Claims 5, 26 and 32 are amended in a manner that Applicants believe overcome the rejections in the Office Action. Applicants believe that the originally submitted claims are patentable over the materials relied upon by the Examiner. However, claims 26 and 32 are amended for clarification purposes only. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicants are believed to be entitled. Applicants submit that no new matter or issues are introduced by the amendments. Support for the amendment is found throughout the specification and drawings.

Initially, Applicants gratefully acknowledge the allowability of the subject matter recited in claims 1-4, 6-31, and 33. Applicants, however, respectfully submit that in view of the amendments and remarks herein, all claims presently pending in the application are allowable.

#### **Drawings**

In the Office Action, the drawings were objected to as failing to comply with 37 C.F.R. §1.83(a) because they do not show every feature of the invention specified in the claims. However, applicants respectfully submit that a second shield as set forth in claim 14 is shown in FIGURES 17, 19-22, 26, and 27. Moreover, applicants respectfully submit that a probe guide as set forth in claim 26 is shown in FIGURES 17 and 27 (see element 146).

#### **Claim Rejections – 37 U.S.C. § 112**

In the Office Action, claim 5 was rejected under 35 U.S.C. § 112, second paragraph, because there is no antecedent basis for “the arm”.

Claim 5 has been amended to depend on claim 4 to provide antecedent basis for “the arm”.

**Claim Rejections – 35 U.S.C. § 102**

In the Office Action, claim 32 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No 5,322,517 to Sircom et al. (Sircom '517).

However, it is respectfully submitted that amended claim 32 clearly and patentably distinguish over the Sircom '517 patent.

Referring to FIGS. 1 through 4, Sircom '517 shows a guard 5 that encloses the point of a needle when it reaches the end of the needle 1 (col. 15, lines 29-33).

In contrast, amended claim 32 of the present application recites, *inter alia*, “[a] medical needle shield apparatus comprising . . . an adjustable depth stop device for setting desired needle insertion depth, said depth stop device slidably disposed on the needle cannula and said at least one shield being substantially disposed within said depth stop device.”

The Sircom '517 patent in no way discloses or suggests structure as recited in claim 32. The Sircom '517 patent does not disclose, *inter alia*, a medical needle shield apparatus comprising an adjustable depth stop device for setting desired needle insertion depth, wherein the depth stop device is slidably disposed on the needle cannula and the at least one shield is substantially disposed within the depth stop device.

Because of the above distinctions, it is respectfully submitted that claim 32 is patentable and not obvious over the Sircom '517 patent. Reconsideration and withdrawal of the rejection is respectfully requested.

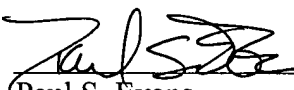
In view of the foregoing amendments and remarks, it is respectfully submitted that the drawings, specification, and claims 1-33, presently pending in the application are believed to be in condition for allowance. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 19-3542. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 19-3542 therefor.

Respectfully submitted,

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